

ECF

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:13-cv-02355-WHP**

At Last Sportswear, Inc. v. Kamens
Assigned to: Judge William H. Pauley, III
Demand: \$2,500,000
Case in other court: State Court - Supreme, 153098-13
Cause: 28:1332 Diversity-Other Contract

Date Filed: 04/09/2013
Jury Demand: Defendant
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Plaintiff

At Last Sportswear, Inc.

represented by **Catania Facher**
Alonso, Andalkar, Toro, Facher & Mac
Avoy, P.C.,
920 Broadway, 16th Flr.
New York, NY 10010
(212)-598-5900
Fax: (212)-598-4850
Email: cfacher@alonsolegal.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Katherine Mary Jensen
McCusker, Anselmi, Rosen, Carvelli &
PC (NJ)
210 Park Avenue, Suite 301
Florham Park, NJ 07932
(973) 635-6300
Fax: (973) 635-6363
Email: kjensen@alonsolegal.com
ATTORNEY TO BE NOTICED

V.

Defendant

Michael Kamens

represented by **Peter J. Andrews**
The Harman Firm PC
200 West 57th Street
Suite 900
New York, NY 10123
(212) 425-2600
Fax: (212) 202-3926
Email: pandrews@theharmanfirm.com
ATTORNEY TO BE NOTICED

Walker Green Harman, Jr.

The Harman Firm PC
200 West 57th Street
New York, NY 10123
(212) 425-2600
Fax: (212) 202-3926
Email: wharman@theharmanfirm.com
ATTORNEY TO BE NOTICED

ThirdParty Plaintiff

Michael Kamens

represented by **Peter J. Andrews**
(See above for address)
ATTORNEY TO BE NOTICED

Walker Green Harman , Jr.
(See above for address)
ATTORNEY TO BE NOTICED

V.

ThirdParty Defendant

Sanjay Israni

represented by **Diane Windholz**
Jackson Lewis LLP (NY)
666 Third Avenue
29th Floor
New York, NY 10017
(212) 545-4000
Fax: (212)-972-3213
Email: windhold@jacksonlewis.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Orla Jane McCabe
Jackson Lewis LLP (NY)
666 Third Avenue
29th Floor
New York, NY 10017
(212) 545-4000
Fax: (212) 972-3213
Email:
Orla.McCabe@jacksonlewis.com
ATTORNEY TO BE NOTICED

ThirdParty Defendant

Sunil Ahuja

represented by **Diane Windholz**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Orla Jane McCabe
(See above for address)

ATTORNEY TO BE NOTICED

ThirdParty Defendant

Bonnie Duchon

represented by **Diane Windholz**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Orla Jane McCabe
(See above for address)
ATTORNEY TO BE NOTICED

ThirdParty Defendant

At Last Sportswear, Inc.

represented by **Catania Facher**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Diane Windholz
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Orla Jane McCabe
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

Michael Kamens

represented by **Peter J. Andrews**
(See above for address)
ATTORNEY TO BE NOTICED

Walker Green Harman , Jr.
(See above for address)
ATTORNEY TO BE NOTICED

V.

Counter Defendant

At Last Sportswear, Inc.

represented by **Catania Facher**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/09/2013	<u>1</u>	NOTICE OF REMOVAL from Supreme Court, County of New York. Case Number: 153098-13. (Filing Fee \$ 350.00, Receipt Number 465401064527).Document filed by Michael Kamens.(jd) (Entered:

		04/10/2013)
04/09/2013		Magistrate Judge Sarah Netburn is so designated. (jd) (Entered: 04/10/2013)
04/09/2013		Case Designated ECF. (jd) (Entered: 04/10/2013)
04/16/2013	<u>2</u>	ENDORSED LETTER addressed to Judge William H. Pauley, III from Walker G. Harman, Jr. dated 4/12/2013 re: The Notice of Removal, filed April 9, 2013, has removed this matter to this Court. To answer or otherwise respond to Plaintiffs' Complaint, Defendant seeks forty-five (45) days from the date of filing the Notice of Removal: a deadline of May 24, 2013. ENDORSEMENT: Application granted. Michael Kamens answer due 5/24/2013. (Signed by Judge William H. Pauley, III on 4/16/2013). (rjm) (Entered: 04/16/2013)
04/17/2013	<u>3</u>	ORDER FOR INITIAL PRETRIAL CONFERENCE: Initial Conference set for 5/10/2013 at 11:00 AM in Courtroom 20B, U.S. Courthouse, 500 Pearl Street, New York, NY 10007 before Judge William H. Pauley III, and as further set forth. (Signed by Judge William H. Pauley, III on 4/16/2013). (rjm) (Entered: 04/17/2013)
04/17/2013	<u>4</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by At Last Sportswear, Inc..(Facher, Catania) (Entered: 04/17/2013)
04/17/2013	<u>5</u>	FIRST RESPONSE <i>Letter to Defendant's Request For Additional Time To Answer</i> . Document filed by At Last Sportswear, Inc.. (Facher, Catania) (Entered: 04/17/2013)
04/18/2013	<u>6</u>	NOTICE OF APPEARANCE by Catania Facher on behalf of At Last Sportswear, Inc. (Facher, Catania) (Entered: 04/18/2013)
05/01/2013	<u>7</u>	AFFIDAVIT OF SERVICE. Michael Kamens served on 4/15/2013, answer due 5/24/2013. Service was accepted by MICHAEL KAMENS. Document filed by At Last Sportswear, Inc.. (Facher, Catania) (Entered: 05/01/2013)
05/03/2013	<u>8</u>	RULE 26(f) DISCOVERY PLAN REPORT.Document filed by At Last Sportswear, Inc..(Toro, Joan) (Entered: 05/03/2013)
05/16/2013	<u>9</u>	SCHEDULING ORDER: The following is established on consent: 1. Defendant's Answer to the Complaint is due May 24, 2013. 2. The parties will notify the Court by September 18, 2013 if there is to be expert discovery in this action. They will include the names of their proposed experts and the subject matters of their testimony. 3. Fact discovery will be completed by September 30, 2013. 4. A Joint Pre-Trial Order is due by October 31, 2013. 5. A Final Pre-Trial Conference will be held November 8, 2013 at 10:30 a.m. (Fact Discovery due by 9/30/2013. Final Pretrial Conference set for 11/8/2013 at 10:30 AM before Judge William H. Pauley III. Joint Pretrial Order due by 10/31/2013.) (Signed by Judge William H. Pauley, III on 5/16/2013). (rjm) (Entered: 05/16/2013)
05/24/2013	<u>10</u>	ANSWER to Complaint with JURY DEMAND., THIRD PARTY COMPLAINT against At Last Sportswear, Inc., Sanjay Israni, Sunil Ahuja, Bonnie Duchon., COUNTERCLAIM against At Last Sportswear, Inc.. Document filed by Michael Kamens.(Harman, Walker) (Entered: 05/24/2013)

06/17/2013	<u>11</u>	NOTICE OF APPEARANCE by Diane Windholz on behalf of Sunil Ahuja, At Last Sportswear, Inc., Bonnie Duchon, Sanjay Israni. (Windholz, Diane) (Entered: 06/17/2013)
06/24/2013	<u>12</u>	STIPULATION AND ORDER. IT IS HEREBY STIPULATED by and between the undersigned counsel for the Third-Party Plaintiff Michael Kamens and counsel for Third-Party Defendants At Last Sportswear, Bonni Duchon, Sunil Ahuja and Sanjay Israni that the time by which Third-Party Defendants shall answer, move or otherwise respond to Third-Party Plaintiff's Counterclaims and Third-Party Complaint shall be extended through and including July 15, 2013. Sunil Ahuja answer due 7/15/2013; At Last Sportswear, Inc. answer due 7/15/2013; Bonnie Duchon answer due 7/15/2013; Sanjay Israni answer due 7/15/2013. (Signed by Judge William H. Pauley, III on 6/24/2013) (rjm) (Entered: 06/25/2013)
07/23/2013	<u>13</u>	ENDORSED LETTER addressed to Judge William H. Pauley, III from Diane Windholz dated 7/12/13 re: Counsel writes to request a pre-motion conference in connection with Third-Party Defendants' anticipated motion to dismiss all counter and third-party claims brought by Michale Kamens. ENDORSEMENT: Application granted. The Court will hold a pre-motion conference August 2, 2013 at 11:00 a.m. (Pre-Motion Conference set for 8/2/2013 at 11:00 AM before Judge William H. Pauley III.) (Signed by Judge William H. Pauley, III on 7/23/2013) (mro) (Entered: 07/26/2013)
07/23/2013	<u>14</u>	ENDORSED LETTER addressed to Judge William H. Pauley, III from Diane Windholz dated 7/12/13 re: Counsel writes to request a pre-motion conference in connection with Third-Party Defendants' anticipated motion to dismiss all counter and third-party claims brought by Michael Kamens. ENDORSEMENT: Application granted. The Court will hold a pre-motion conference August 2, 2013 at 11:00 a.m. (Pre-Motion Conference set for 8/2/2013 at 11:00 AM before Judge William H. Pauley III.) (Signed by Judge William H. Pauley, III on 7/23/2013 (as per Chambers)) (mro) (Entered: 07/29/2013)
08/02/2013	<u>15</u>	NOTICE OF APPEARANCE by Katherine Mary Jensen on behalf of At Last Sportswear, Inc.. (Jensen, Katherine) (Entered: 08/02/2013)
08/05/2013	<u>16</u>	SCHEDULING ORDER: Counsel for the parties having appeared for a conference on August 2, 2013, the following schedule is established on consent: 1. Kamens will notify the parties by August 7, 2013 as to whether he intends to amend or withdraw any counter-claims; 2. Kamens will make any amendments to his counter-claims by August 9, 2013; 3. Discovery will close November 15, 2013 and there will be no further extensions; 4. The parties will file a joint pretrial order by December 13, 2013; 5. The Court will hold a final pretrial conference on December 18, 2013 at 2:00 p.m. (Discovery due by 11/15/2013. Final Pretrial Conference set for 12/18/2013 at 02:00 PM before Judge William H. Pauley III. Pretrial Order due by 12/13/2013.) (Signed by Judge William H. Pauley, III on 8/2/2013) (mro) (Entered: 08/05/2013)
08/05/2013		Set/Reset Deadlines: Amended Pleadings due by 8/9/2013. (mro) (Entered: 08/05/2013)

08/08/2013	<u>17</u>	ENDORSED LETTER addressed to Judge William H. Pauley, III from Walker G. Harman, Jr. dated 8/6/13 re: Counsel states pursuant to the 8/5/13 Scheduling Order, Mr. Kamens is to "notify the parties by 8/7/13 as to whether he intends to amend or withdraw any counter-claims," and Mr. Kamens "will make any amendments to his counter-claims by 8/9/13." Counsel proposes, on behalf of Mr. Kamens, the following extension of time: (i) Ordered to notify the Parties of his intentions by Wednesday, August 14, 2013; (ii) Ordered to make amendments, if any, to his counter-claims by Friday, August 16, 2013. ENDORSEMENT: Application granted. (Signed by Judge William H. Pauley, III on 8/8/2013) (mro) (Entered: 08/08/2013)
08/08/2013		Set/Reset Deadlines: Amended Pleadings due by 8/16/2013. (mro) (Entered: 08/08/2013)
08/16/2013	<u>18</u>	AMENDED COUNTERCLAIMS AND THIRD PARTY COMPLAINT amending <u>10</u> Answer to Complaint, Third Party Complaint, Counterclaim against. Document filed by Michael Kamens. Related document: <u>10</u> Answer to Complaint, Third Party Complaint, Counterclaim filed by Michael Kamens. (lmb) (Entered: 08/20/2013)
08/30/2013	<u>19</u>	ENDORSED LETTER addressed to Judge William H. Pauley, III from Diane Windholz dated 8/26/2013 re: Counsel writes to request a pre-motion conference in connection with Third-Party Defendants' anticipated motion to strike Michael Kamens' untimely demand for a jury trial. ENDORSEMENT: Application granted. The Court will hold a conference September 12, 2013 at 5:00 p.m. (Pre-Motion Conference set for 9/12/2013 at 05:00 PM before Judge William H. Pauley III.) (Signed by Judge William H. Pauley, III on 8/30/2013) (tro) (Entered: 08/30/2013)
09/09/2013	<u>20</u>	SCHEDULING ORDER: The pre-motion conference scheduled for September 12, 2013 is rescheduled to September 19, 2013 at 5:00 p.m. (Pre-Motion Conference set for 9/19/2013 at 05:00 PM before Judge William H. Pauley III.) (Signed by Judge William H. Pauley, III on 9/9/2013) (mro) (Entered: 09/09/2013)
09/12/2013	<u>21</u>	NOTICE OF APPEARANCE by Diane Windholz on behalf of Sunil Ahuja, At Last Sportswear, Inc., Bonnie Duchon, Sanjay Israni. (Windholz, Diane) (Entered: 09/12/2013)
09/12/2013	<u>22</u>	NOTICE OF APPEARANCE by Orla Jane McCabe on behalf of Sunil Ahuja, At Last Sportswear, Inc., Bonnie Duchon, Sanjay Israni. (McCabe, Orla) (Entered: 09/12/2013)
09/12/2013	<u>23</u>	ENDORSED LETTER addressed to Judge William H. Pauley, III from Diane Windholz dated 9/10/13 re: Counsel writes to request that the pre-motion conference scheduled in this case for 9/19 be adjourned to another date. ENDORSEMENT: Application granted. The conference is rescheduled to October 4, 2013 at 3:30 p.m. (Pre-Motion Conference set for 10/4/2013 at 03:30 PM before Judge William H. Pauley III.) (Signed by Judge William H. Pauley, III on 9/12/2013) (mro) (Entered: 09/12/2013)
10/07/2013	<u>24</u>	NOTICE OF APPEARANCE by Peter J. Andrews on behalf of Michael Kamens. (Andrews, Peter) (Entered: 10/07/2013)

10/09/2013	<u>25</u>	SCHEDULING ORDER: Counsel for the parties having appeared at a conference on October 4, 2013, the following schedule is established on consent: 1. Plaintiff At-Last Sportswear and Third-Party Defendants Sanjay Israni, Sunil Ahuja, and Bonnie Duchon will file their motion to strike Defendant Michael Kamens's jury demand by October 18, 2013; 2. Kamens's opposition is due by November 1, 2013; 3. Any reply will be filed by November 8, 2013; 4. This Court will hear oral argument on November 22, 2013 at 10:30 a.m. before Judge William H. Pauley III. (Signed by Judge William H. Pauley, III on 10/9/2013) (mro) (Entered: 10/09/2013)
10/18/2013	<u>26</u>	LETTER addressed to Judge William H. Pauley, III from Walker G. Harman, Jr., counsel for Michael Kamens, dated Oct. 18, 2013, re: Continuation of Incomplete Depositions of Third-Party Defendants. Document filed by Michael Kamens. (Attachments: # <u>1</u> Exhibit A (Excerpt of Sept. 10, 2013 Sanjay Israni Deposition), # <u>2</u> Exhibit B (Excerpt of Sept. 12, 2013 Bonni Duchon Deposition), # <u>3</u> Exhibit C (Excerpt of Sept. 17, 2013 Sunil Ahuja Deposition))(Harman, Walker) (Entered: 10/18/2013)

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